REMARKS/ARGUMENTS

Independent claim 1 provides, in pertinent part, for, "[a] mobile telephone device, comprising:

an integrated circuit card with a subscriber identity module or a universal subscriber identity module, said card comprising a storage operable for storing at least one application; ...

at least one data array manager module for managing data arrays of at least one application stored in the card, said at least one data array manager module comprising:

a receiver operable to receive, by means of a remote access message received by mobile telephony, at least one instruction for operating on at least one piece of data contained in an array contained in a specified application; ...

an accessing device operable for accessing said array according to said at least one instruction, said accessing device further comprising ...

apparatus operable for performing at least one operation on said at least one piece of data in said array, according to said at least one instruction, without the necessity of deleting and rewriting the entire specified application stored in the card," (emphasis supplied).

Independent claim 9, provides, in pertinent part, for, "[a] method for managing data in arrays of applications stored in an integrated circuit card of a mobile telephony subscriber equipment, said card storing a subscriber identity module or a universal subscriber identity module, the method comprising the steps of:

receiving a message from a remote access server by mobile telephony, the message including at least one instruction regarding at least one piece of data in one array contained in one application stored in the card; ...

operating on said at least one piece of data in said array based on the at least one instruction, without the necessity of deleting and rewriting the entire application stored in the card," (emphasis supplied).

Both independent claims 1 and 9 provide for the reception of at least one instruction for operating on at least one piece of data in an array of an application stored in an integrated circuit card in a mobile telephone device. The Examiner contends that the SIM smart card of Nachef, US 2002/0137545 A1, shown in Fig. 2 thereof, is equivalent to the integrated circuit card with a subscriber identity module or a universal subscriber identity module of claims 1 and 9, and that

the smart card storing data, algorithms, and SIM Toolkit applications, citing paragraphs [0005], [0015], [0023], and [0033]-[0037] of Nachef is equivalent to the integrated circuit card of claims 1 and 9 including a storage operable to store at least one application, (Office Action, page 3, lines 1-4). The Examiner further contends that SIM Toolkit application, communicating with applications installed in servers via a short message channel, is equivalent to a receiver operable to receive by means of a remote access message received by mobile telephony of claims 1 and 9, (paragraph [0023] of Nachef; Office Action, page 3, lines 13-15).

However, the Examiner does not indicate the content of the message that the SIM Toolkit application receives from the applications installed in servers. In fact, in Nachef, a proactive command is included in a short message to be executed by circuits 10 via slave Sim Toolkit application 22, (paragraph [0082]). Circuits 10 are disclosed by paragraph [0082] of Nachef to be "the circuits 10 of a unit of mobile equipment 1 in which the proactive command is executed," (lines 6-7; emphasis supplied). Furthermore, paragraph [0124] of Nachef indicates that, "[t]he slave SIM Toolkit application can then accept the proactive command received, which command was prepared and sent by the master application. It then sends it to the mobile equipment without performing any additional operation," (lines 6-10; emphasis supplied). Thus, it appears from Nachef that circuits 10 of a unit of mobile equipment 1 execute the proactive command, which is sent to it by slave SIM Toolkit application, the slave SIM Toolkit application not performing any additional operation. There does not appear to be in Nachef at least one piece of data contained in an array of a specified application stored on an integrated circuit card that is operated upon by at least one instruction received, as required by independent claims 1 and 9. Instead, the operation alleged to be present in Nachef is that of a proactive command which is executed by a circuit 10 of a unit of mobile equipment. There appears to be no teaching, disclosure, or suggestion in Nachef that circuit 10 executes the proactive command by operating on a piece of data contained in an array of an application stored on SIM smart card shown in Fig. 2 of Nachef, the SIM smart card being asserted to be equivalent to the integrated circuit card of claims 1 and 9, (Office Action, page 3, lines 1-2).

Furthermore, as previously stated, the Examiner has alleged that the smart card of Nachef storing data, algorithms, and SIM Toolkit applications is equivalent to the integrated circuit card of claims 1 and 9 comprising a storage operable for storing at least one application, (Office

Action, page 3, lines 2-4). This contention appears to require that the SIM Toolkit application of Nachef, equated by the Examiner to the receiver of claims 1 and 9, (Office Action, page 3, lines 13-15), be operable to receive at least one instruction for operating on at least one piece of data contained in an array contained in a specified application stored on the SIM smart card of Nachef, as analogously required by the provisions of claims 1 and 9.

Nachef itself, however, appears to contradict such a requirement since it teaches away from the storage of applications on the SIM smart card, but rather teaches the installation of such applications in a remote server, "[f]inally, it may be said that the invention offers the advantage, when an update of one or more application(s) must be performed, if the latter is (are) installed in a remote server, that this update can be performed by the operator in a way that is very simple and fast, since it is centralized. In the case of SIM Toolkit applications that are standard, i.e. according to the prior art, installed in smart cards, the same operation would require the modification of all the smart cards storing the applications to be updated, i.e. most often their replacement," (paragraph [0172]; emphasis supplied).

Thus, it appears that Nachef teaches away from a receiver which receives at least one instruction for operating on at least one piece of data contained in an array of a specified application which is stored on an integrated circuit card included in a mobile telephone device, as provided in claims 1 and 9. On the contrary, Nachef teaches the installation of such applications in a remote server in order to allow the update of such applications to be performed by an operator in a way that is very simple and fast since it is centralized, as provided in paragraph [0172] of Nachef, previously quoted.

Moreover, as can be seen from paragraph [0172] of Nachef quoted above, Nachef teaches the update of one or more of the applications when they are installed in a remote server, rather than installed in smart cards. In contrast, both claims 1 and 9 provide for the performing of at least one operation on at least one piece of data in an array contained in a specified application, the application being stored in an integrated circuit card of a mobile telephone device.

Since each of claims 2-8 and 10-15 is directly or indirectly dependent upon one of independent claims 1 and 9, each of claims 2-8 and 10-15 is allowable for at least the same reasons recited above with respect to the allowability of the appropriate one of independent claims 1 and 9.

In view of the foregoing remarks, allowance of claims 1-15 is respectfully requested.

Respectfully submitted,

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